

Response

Applicant: David C. Collins

Serial No.: 10/821,130

Filed: April 8, 2004

Docket No.: 200400519-1

Title: GENERATING AND DISPLAYING SPATIALLY OFFSET SUB-FRAMES

REMARKS

The following Request to Withdraw the Final Office Action is made in response to the Final Office Action mailed January 7, 2008 (hereafter "Final Office Action").

REQUEST TO WITHDRAW THE FINAL OFFICE ACTION

Applicants respectfully bring to the Examiner's attention that U.S. Patent No. 7,034,811, which was relied on in a rejection under 35 U.S.C. §103(a) in the Final Office Action, issued subsequent to the filing date of the present application. Accordingly, U.S. Patent No. 7,034,811 does not qualify as prior art under 35 U.S.C. §102(a) as alleged by the Examiner in the Final Office Action on p. 35.

Applicants respectfully request that the Final Office Action be withdrawn and that any subsequent Office Action be issued as a Non-Final Office Action.

In the Amendment and Response filed November 7, 2007, Applicants filed a Statement of Common Ownership to overcome the rejection under 35 U.S.C. §103(a) based on U.S. Patent No. 7,034,811 set forth in the first Office Action mailed on August 9, 2007.

The MPEP states that:

[w]hen applying any 35 U.S.C. 102(c)/ 103 references against the claims of an application the examiner should anticipate that a statement averring common ownership at the time the invention was made may disqualify any patent or application applied in a rejection under 35 U.S.C. 103 based on 35 U.S.C. 102(c). If such a statement is filed in reply to the 35 U.S.C. 102(c)/ 103 rejection and the claims are not amended, **the examiner may not make the next Office action final if a new rejection is made.** MPEP 706.07(a), 5th Paragraph (Emphasis added.)

Independent claims 11 and 20 were not amended in the Amendment and Response filed November 7, 2007. Accordingly, Applicants respectfully request that any subsequent Office Action be issued as a Non-Final Office Action -- as required by the MPEP -- to allow Applicants an opportunity to respond to any new rejections set forth by the Examiner.

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CONCLUSION

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application. Any inquiry regarding this Amendment and Response should be directed to either Roger Greer at Telephone No. (312) 360-0080, Facsimile No. (312) 360-9315 or Christopher P. Kosh at Telephone No. (512) 241-2403, Facsimile No. (512) 241-2409. In addition, all correspondence should continue to be directed to the following address:

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Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

David C. Collins,

By their attorneys,

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Date: Feb. 29, 2008

CPK:dmd

/Christopher P. Kosh/

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